

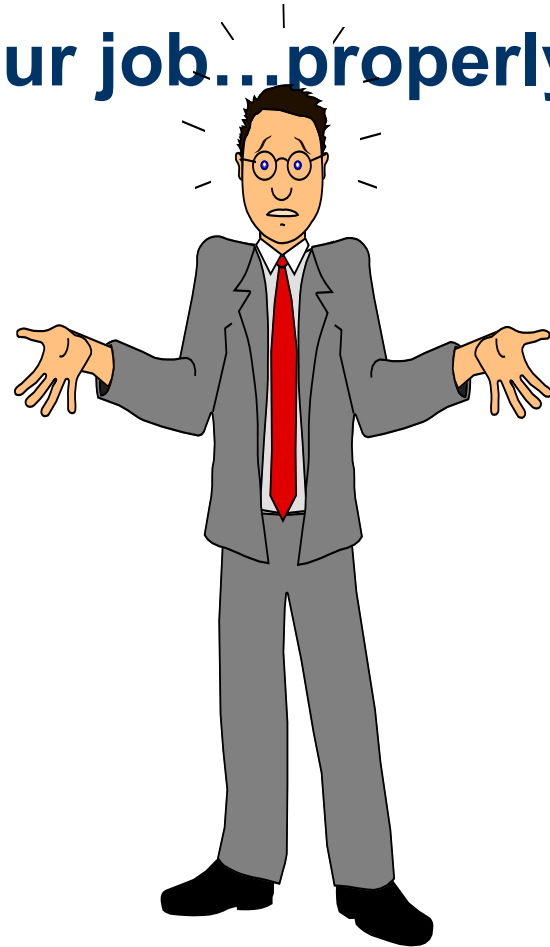
National Association of County Veterans Service Officers



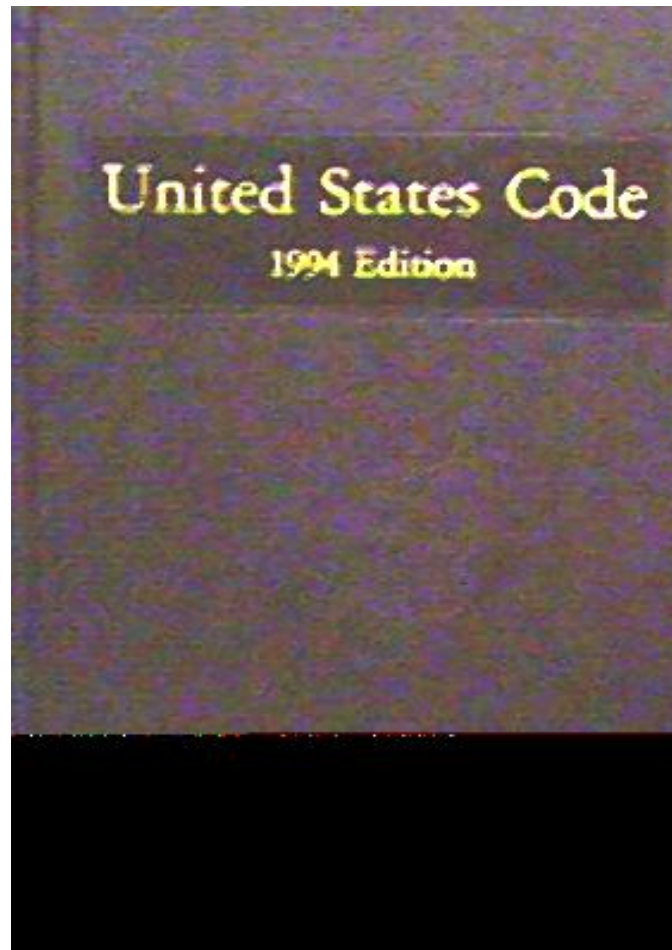
**Reference
Material**

For the Service Officer

- What you need to do your job...properly...
- Laws
- Regulations
- Manuals
- Medical References
- Legal References



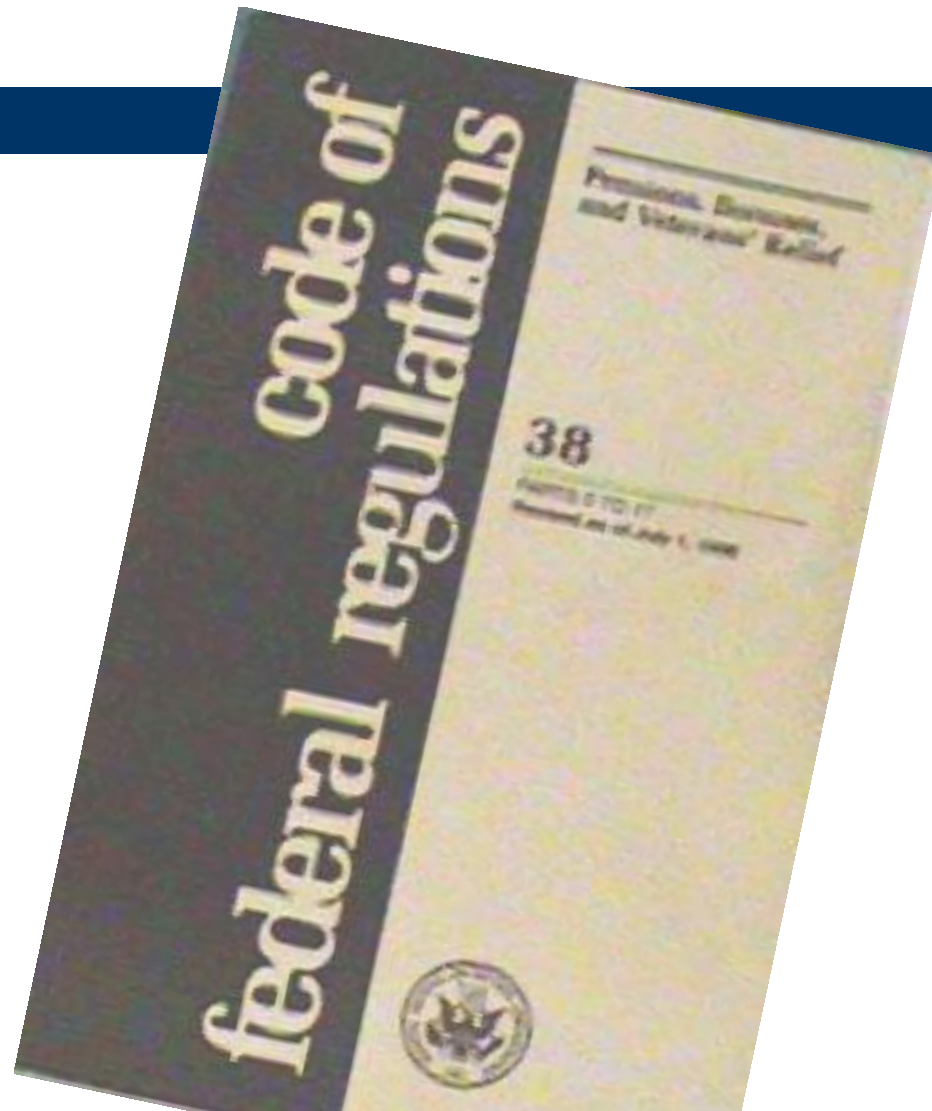
38 United States Code (USC)



38 United States Code (38 USC)

- The law the Department of Veterans Affairs (VA) operates under
- Cited in **Ratings Decisions** and Board of Veterans Appeals (BVA) decisions
- Did the VA use the correct law?
- Did they apply it correctly to the evidence?
- Available on-line

38 Code of Federal Regulations (CFR)



38 CFR

- The regulation the VA developed to apply the law
- The **most important book** you'll have!
- Cited in Ratings Decisions and Board of Veterans Appeals (BVA) decisions
- Did the VA use the correct regulation?
- Did they apply it correctly to the evidence submitted?
- Available on-line

Part 4 — The Ratings Schedule

Pt. 4

(h) The monetary allowance in lieu of a Government-furnished headstone or marker is not payable if death occurred on or after November 1, 1990.

(Authority: Pub. L. 101-508)

[44 FR 58711, Oct. 11, 1979, as amended at 47 FR 19131, May 4, 1982; 49 FR 19653, May 9, 1984; 51 FR 17629, May 14, 1986; 52 FR 34910, Sept. 16, 1987; 55 FR 50323, Dec. 6, 1990; 56 FR 25045, June 3, 1991; 56 FR 65851, Dec. 19, 1991; 61 FR 20727, May 8, 1996]

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart A—General Policy in Rating

- Sec.
- 4.1 Essentials of evaluative rating.
- 4.2 Interpretation of examination reports.
- 4.3 Resolution of reasonable doubt.
- 4.6 Evaluation of evidence.
- 4.7 Higher of two evaluations.
- 4.9 Congenital or developmental defects.
- 4.10 Functional impairment.
- 4.13 Effect of change of diagnosis.
- 4.14 Avoidance of pyramiding.
- 4.15 Total disability ratings.
- 4.16 Total disability ratings for compensation based on unemployability of the individual.
- 4.17 Total disability ratings for pension based on unemployability and age of the individual.
- 4.17a Misconduct etiology.
- 4.18 Unemployability.
- 4.19 Age in service-connected claims.
- 4.20 Analogous ratings.
- 4.21 Application of rating schedule.
- 4.22 Rating of disabilities aggravated by active service.
- 4.23 Attitude of rating officers.
- 4.24 Correspondence.
- 4.25 Combined ratings table.
- 4.26 Bilateral factor.
- 4.27 Use of diagnostic code numbers.
- 4.28 Prestabilization rating from date of discharge from service.
- 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.
- 4.30 Convalescent ratings.
- 4.31 Zero percent evaluations.

Subpart B—Disability Ratings

THE MUSCULOSKELETAL SYSTEM

- 4.40 Functional loss.
- 4.41 History of injury.
- 4.42 Complete medical examination of injury cases.
- 4.43 Osteomyelitis.
- 4.44 The bones.
- 4.45 The joints.

38 CFR Ch. I (7-1-98 Edition)

- 4.46 Accurate measurement.
- 4.47—4.54 [Reserved]
- 4.55 Principles of combined ratings for muscle injuries.
- 4.56 Evaluation of muscle disabilities.
- 4.57 Static foot deformities.
- 4.58 Arthritis due to strain.
- 4.59 Painful motion.
- 4.60 [Reserved]
- 4.61 Examination.
- 4.62 Circulatory disturbances.
- 4.63 Loss of use of hand or foot.
- 4.64 Loss of use of both buttocks.
- 4.65 [Reserved]
- 4.66 Sacroiliac joint.
- 4.67 Pelvic bones.
- 4.68 Amputation rule.
- 4.69 Dominant hand.
- 4.70 Inadequate examinations.
- 4.71 Measurement of ankylosis and joint motion.
- 4.71a Schedule of ratings—musculoskeletal system.
- 4.72 [Reserved]
- 4.73 Schedule of ratings—muscle injuries.
- THE ORGANS OF SPECIAL SENSE
- 4.75 Examination of visual acuity.
- 4.76 Examination of field vision.
- 4.76a Computation of average concentric contraction of visual fields.
- 4.77 Examination of muscle function.
- 4.78 Computing aggravation.
- 4.79 Loss of use of one eye, having only light perception.
- 4.80 Rating of one eye.
- 4.81—4.82 [Reserved]
- 4.83 Ratings at scheduled steps and distances.
- 4.83a Impairment of central visual acuity.
- 4.84 Differences between distant and near visual acuity.
- 4.84a Schedule of ratings—eye.
- IMPAIRMENT OF AUDITORY ACUITY
- 4.85 Evaluation of hearing impairment.
- 4.86 Hearing aids.
- 4.86a Evidence other than puretone audiometry and controlled speech.
- 4.87 Determinations of auditory acuity.
- 4.87a Schedule of ratings—ear.
- 4.87b Schedule of ratings—other sense organs.

INFECTIOUS DISEASES, IMMUNE DISORDERS AND NUTRITIONAL DEFICIENCIES

- 4.88 [Reserved]
- 4.88a Chronic fatigue syndrome.
- 4.88b Schedule of ratings—infectious diseases, immune disorders and nutritional deficiencies.
- 4.88c Ratings for inactive nonpulmonary tuberculosis initially entitled after August 19, 1968.
- 4.89 Ratings for inactive nonpulmonary tuberculosis in effect on August 19, 1968.

Department of Veterans Affairs

THE RESPIRATORY SYSTEM

- 4.96 Special provisions regarding evaluation of respiratory conditions.
- 4.97 Schedule of ratings—respiratory system.

THE CARDIOVASCULAR SYSTEM

- 4.100—4.103 [Reserved]
- 4.104 Schedule of ratings—cardiovascular system.

THE DIGESTIVE SYSTEM

- 4.110 Ulcers.
- 4.111 Postgastroectomy syndromes.
- 4.112 Weight loss.
- 4.113 Coexisting abdominal conditions.
- 4.114 Schedule of ratings—digestive system.

THE GENITOURINARY SYSTEM

- 4.115 Nephritis.
- 4.115a Ratings of the genitourinary system—dysfunctions.
- 4.115b Ratings of the genitourinary system—diagnoses.

GYNECOLOGICAL CONDITIONS AND DISORDERS OF THE BREAST

- 4.116 Schedule of ratings—gynecological conditions and disorders of the breast.

THE HEMIC AND LYMPHATIC SYSTEMS

- 4.117 Schedule of ratings—hemic and lymphatic systems.

THE SKIN

- 4.118 Schedule of ratings—skin.

THE ENDOCRINE SYSTEM

- 4.119 Schedule of ratings—endocrine system.

NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS

- 4.120 Evaluations by comparison.
- 4.121 Identification of epilepsy.
- 4.122 Psychomotor epilepsy.
- 4.123 Neuritis, cranial or peripheral.
- 4.124 Neuralgia, cranial or peripheral.
- 4.124a Schedule of ratings—neurological conditions and convulsive disorders.

MENTAL DISORDERS

- 4.125 Diagnosis of mental disorders.
- 4.126 Evaluation of disability from mental disorders.
- 4.127 Mental retardation and personality disorders.
- 4.128 Convalescence ratings following extended hospitalization.
- 4.129 Mental disorders due to traumatic stress.
- 4.130 Schedule of ratings—mental disorders.

38 CFR Book C - Part 4 - Schedule for Rating Disabilities

- A guide to the evaluation of disabilities
- Uses 4-digit or 8-digit diagnostic codes
- Explains exactly what the veteran needs to “be disabled”
- In most cases, gives you specific medical conditions you can use to evaluate your client’s disability

A Disability Rating

Diagnostic Code

5257 Knee, other impairment of:

- Recurrent subluxation or lateral instability

- Severe.....30%
- Moderate.....20%
- Slight.....10%

(Subluxation – Partial dislocation)

The Rating Schedule includes

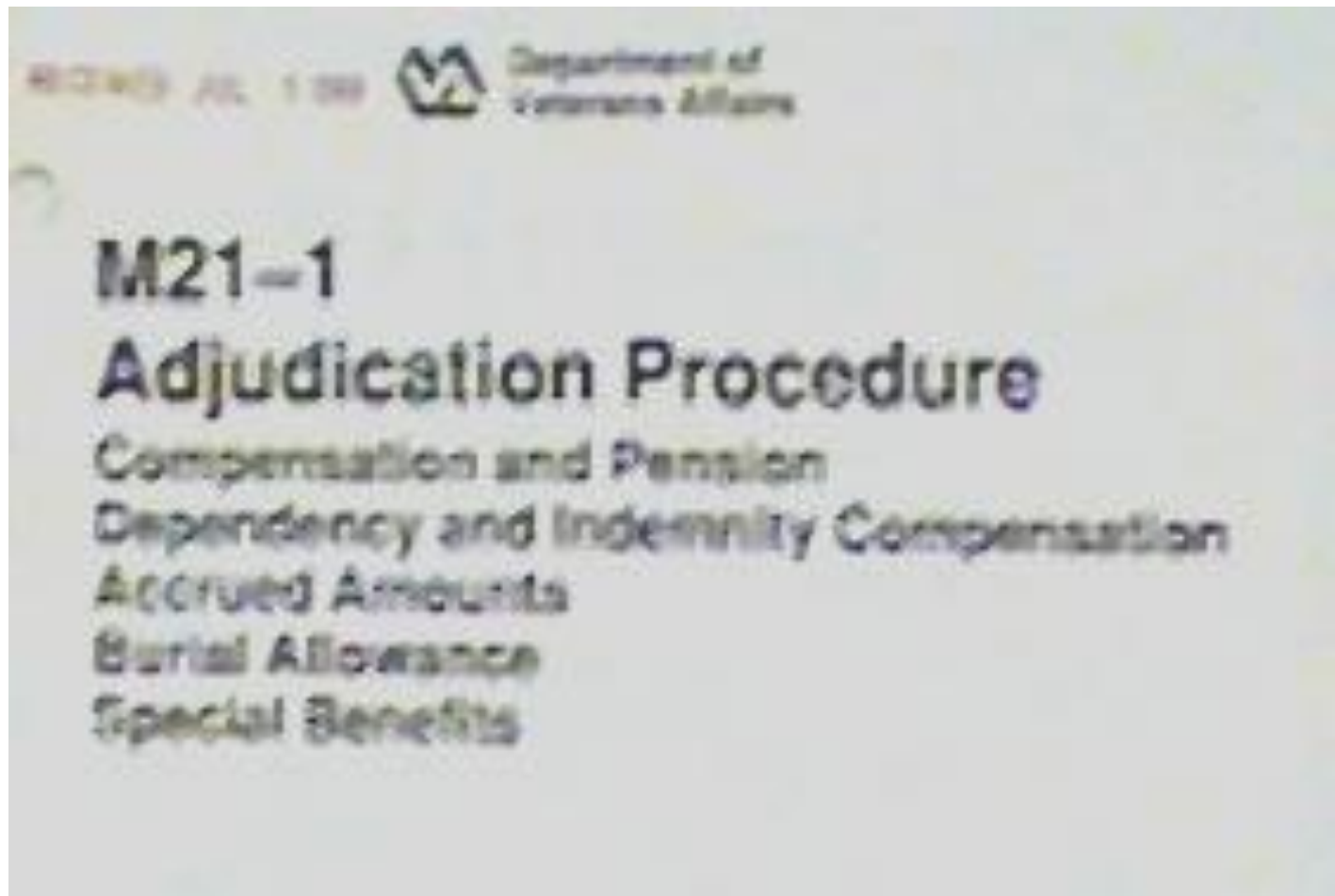
- **The Combined Ratings Table (4.25)**
- **Many definitions**
 - **Bilateral Factor (4.26)**
 - **Explanation of Diagnostic Codes (4.27)**
 - **Functional loss (4.40)**
 - **Painful motion (4.59)**



VA Adjudication Procedure Manual

**M21-1MR Rewrite
and the old M21-1**

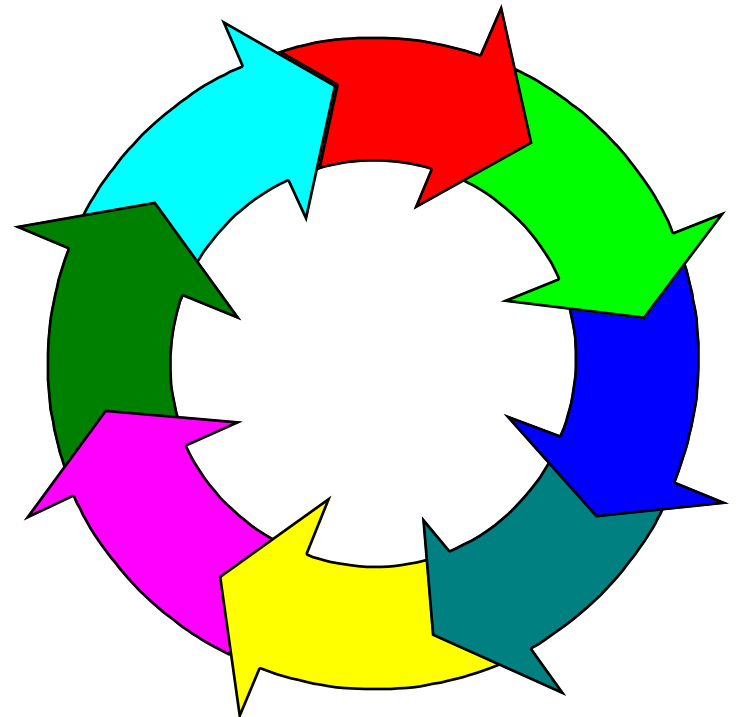
The Old Manual M21-1



VA Adjudication Procedure Manual

M21-1MR

- **Compensation and Pension**
- **Dependency and Indemnity Compensation**
- **Accrued Amounts**
- **Burial Allowance**
- **Special Benefits**



M21-1MR

The VA's "bible"

- The VA's procedure manual - tells them how the regulations in 38 CFR are to be applied to the law in 38 USC
- This is where you will find out why the VA did what it did
- or, how it didn't follow its own procedures
- Many offices don't have this manual, but
- It's available on-line

Federal Benefits for Veterans and Dependents

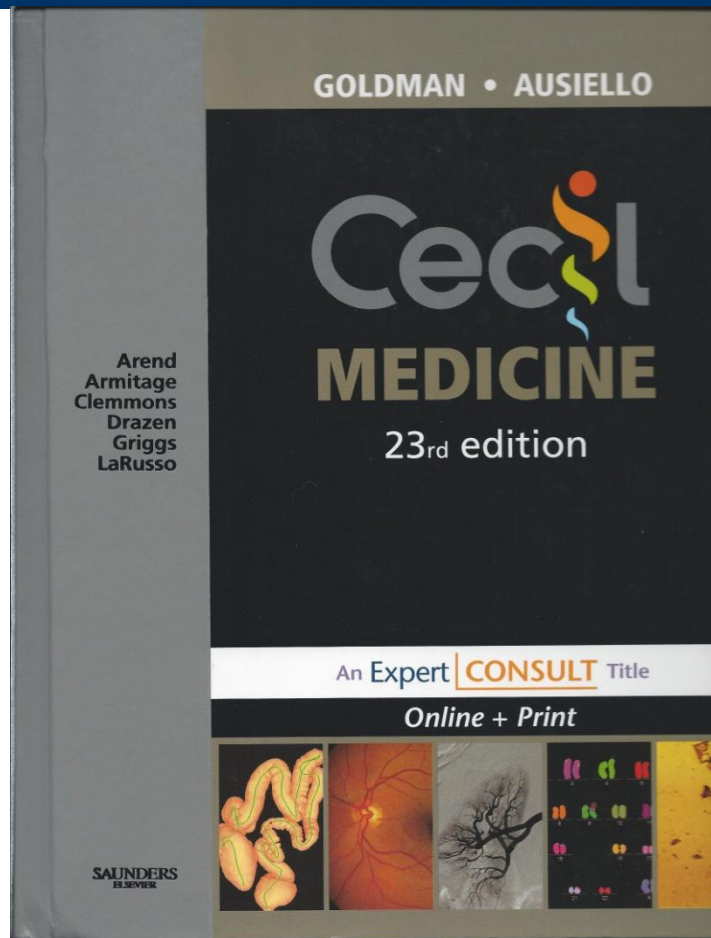


Federal Benefits for Veterans and Dependents

- **VA Pamphlet 80-NN-1**
- **An excellent overview of VA programs**
- **Available on-line**



Cecil Medicine

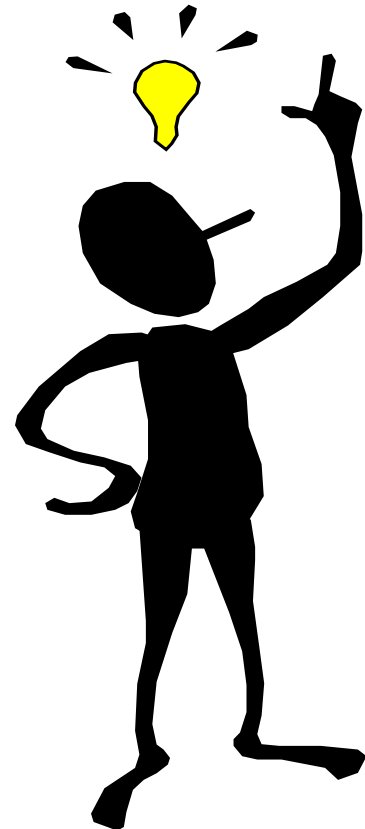


Cecil Medicine

- **Saunders Elsevier**
ISBN: 978-1-4160-2805-5
- **Explains medical and mental conditions including**
 - disease progression
 - typical treatment procedures and their effects
 - typical medications and their effects
- **Helps you understand what your veteran is going through**

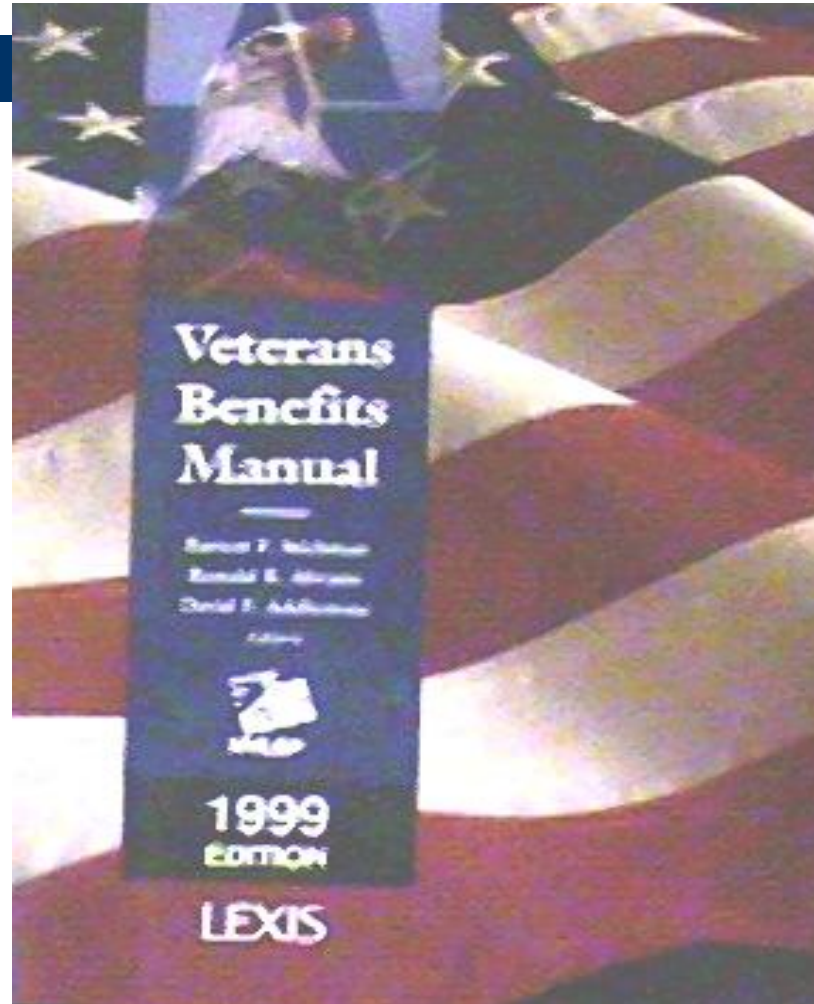
Medical References

- **PDR Medical Dictionary**
- **The Merck Manual**
- **Stedman's**
- **Many on-line sources**
 - Any college with a medical school



Veterans Benefits Manual

by NVLSP



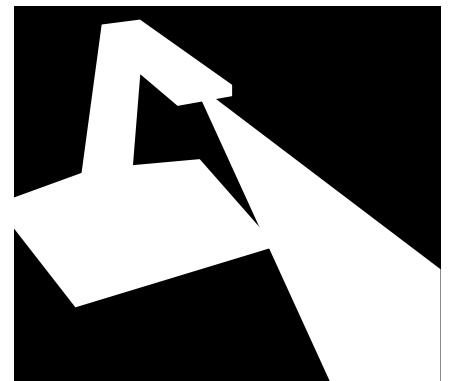
Veterans Benefits Manual

by NVLSP

- **NVLSP - The National Veterans Legal Services Program**
- **LexisNexis Publishing**
ISBN: 978-1-4224-6107-5
- **A comprehensive practice manual for veterans advocates**
- **Written by attorneys who have been battling the VA and DOD for over 25 years**

Compensation and Pension Examination Worksheets

- A set of worksheets the VA uses to evaluate disabilities
- Tell you exactly what the VA doctor “should” (not must) do during an examination



'Comp and Pen' Worksheet

HAND, THUMB, AND FINGERS

Name:

SSN:

Place of Exam:

C-number:

A. Review of Medical Records;

B. Medical History (Subjective Complaints):

Comment on:

- 1. If there are periods of flare-up of joint disease:**
 - a. State their severity, frequency, and duration.**
 - b. Name the precipitating and alleviating factors.**
 - c. Estimate to what extent, if any, they result in additional limitation of motion
or
functional impairment during the flare-up.**

'Comp and Pen' Worksheet

C. Physical Examination (Objective Findings):

Address each of the following as appropriate to the condition being examined and fully describe current findings:

- 1. Anatomical defects.**
- 2. Functional defects (motion of thumb and fingers should be described as to how near, in inches, the tip of thumb can approximate the fingers, or how near the tips of fingers can approximate the median transverse fold of the palm.**
- 3. Grasping objects (strength and dexterity).**

‘Comp and Pen’ Worksheets

Excellent documents to give your veteran to give to his or her doctor -

-the doctor will know exactly what the VA is looking for and will be able to use the same terminology

“WARMS”

Web Automated Reference Materials System

**From the Veterans Benefits Administration
- the VBA**

An extensive database of VA information

What's in WARMS?

- VBA policies and procedures
- VBA program directives, manuals, circulars
- Court of Appeals for Veterans Claims (CAVC) decisions
- 38 CFR
- Find and explore this at –
www.warms.vba.va.gov

Some Other References

- **Stuff you'll collect over the years**

Veterans Claims Officers Training Manual

prepared by the
**National Association
of County Veterans
Service Officers for
its annual training
conferences**

*National Association
Of
County Veterans Service Officers, Inc.*

VETERANS CLAIMS OFFICERS TRAINING MANUAL

2001



Government Life Insurance Programs for Veterans and Members of the Uniformed Services

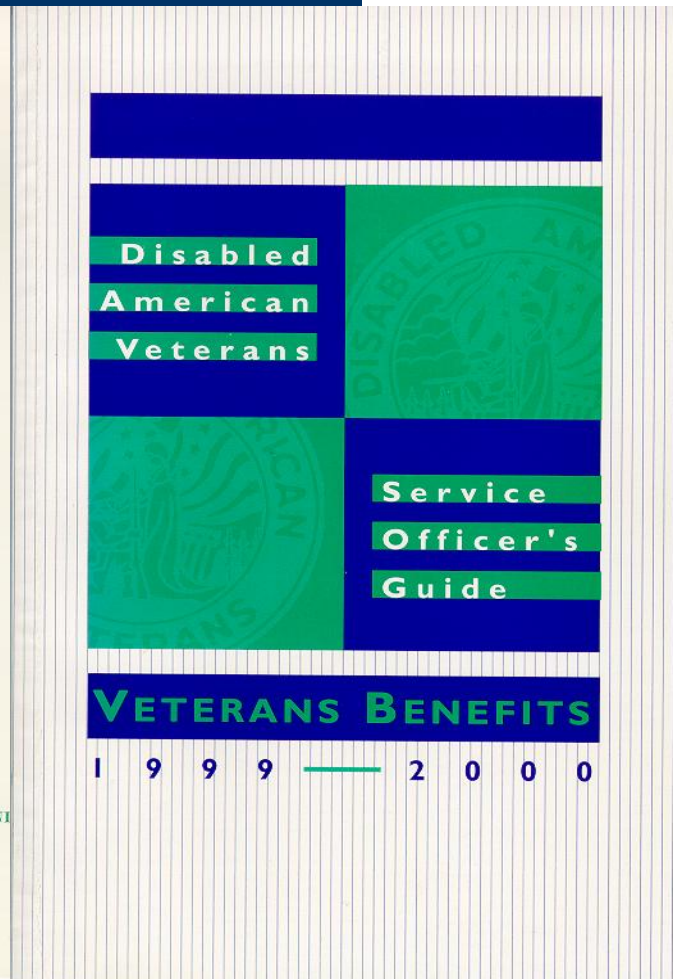
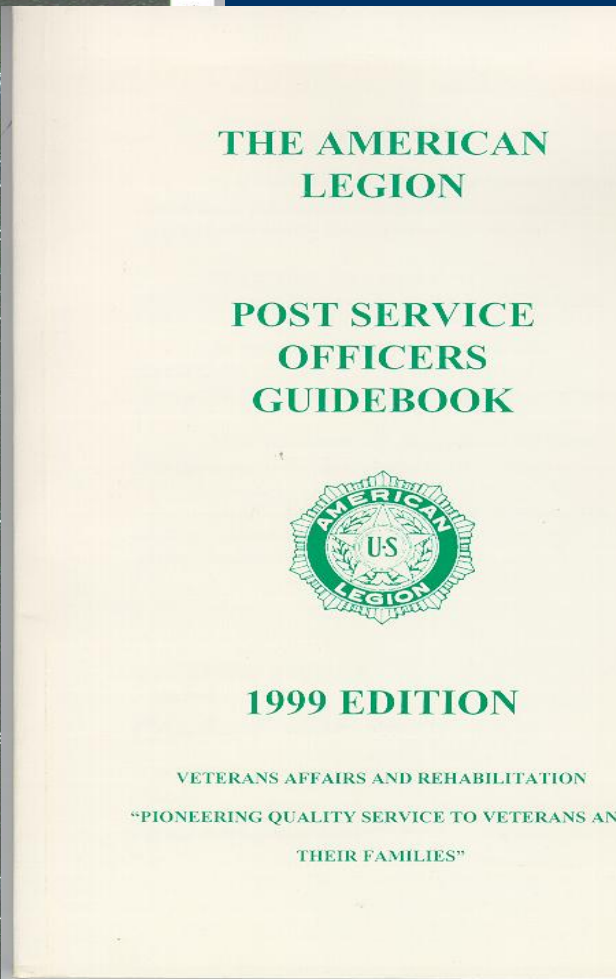
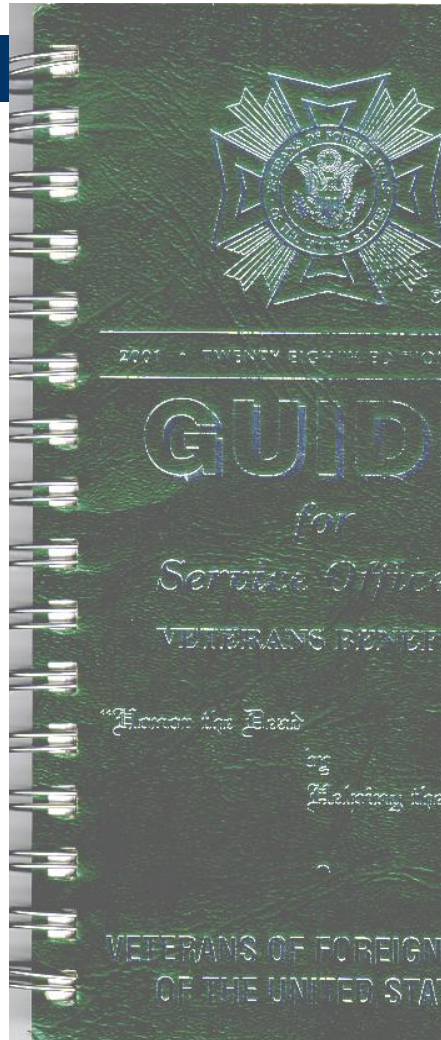
**an unnumbered
VA publication
frequently distributed
at our training sessions**

**Government Life Insurance Programs
for Veterans and Members of
the Uniformed Services**



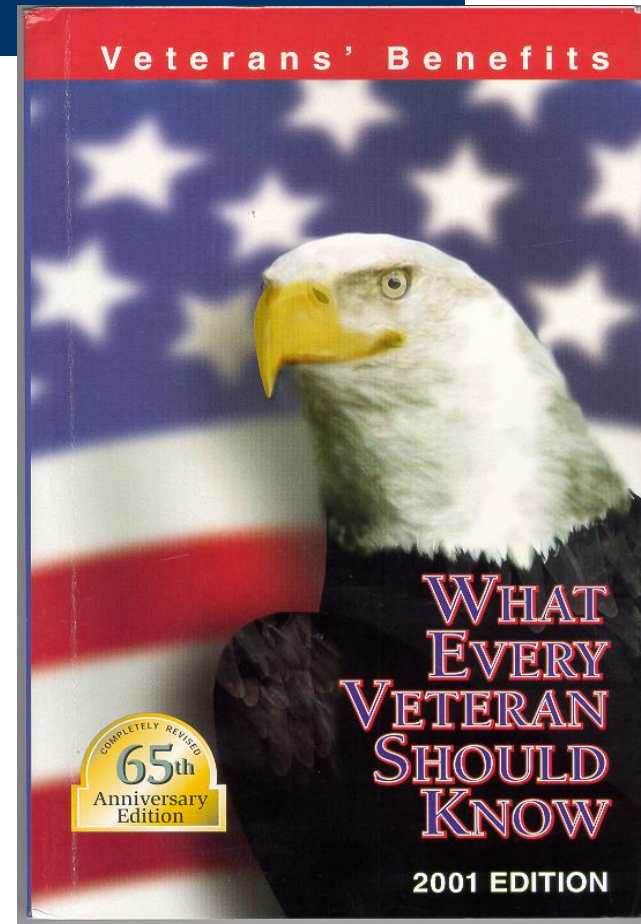
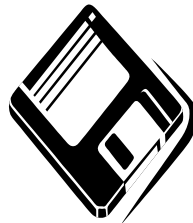
**Department of Veterans Affairs
Regional Office and Insurance Center
Philadelphia, PA
January 2001**

Veterans Service Organization Service Officer Manuals



What Every Veteran Should Know

- **Veterans Information Service,
East Moline,
Illinois**

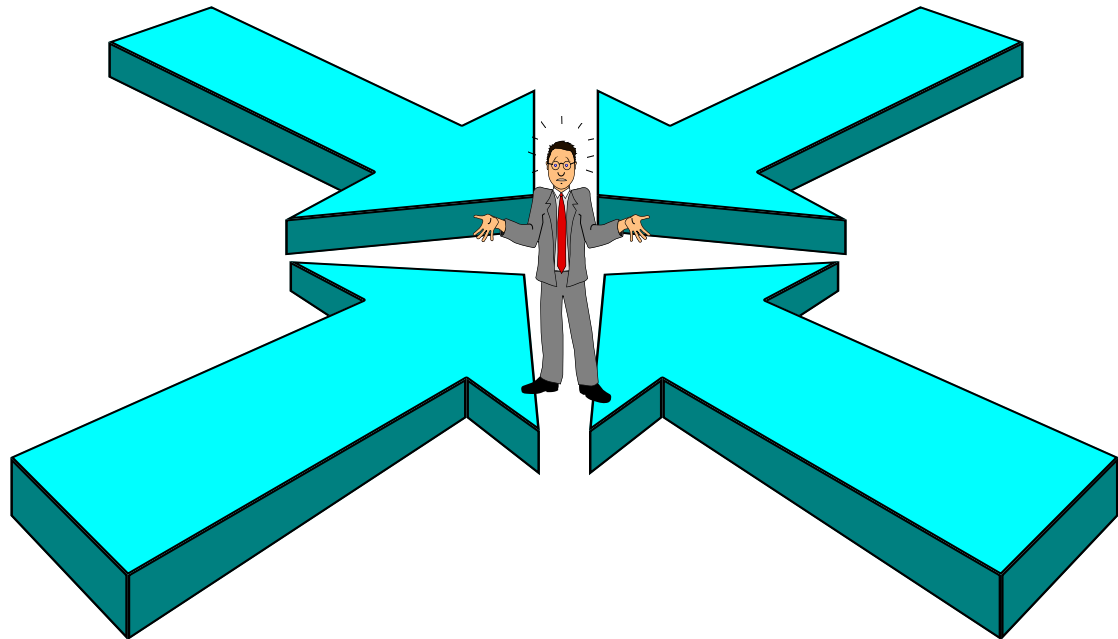


The Veterans Advocate

- A semi-annual “law and advocacy journal”
- Written by NVLSP
- In-depth analysis
 - Court of Appeals for Veterans’ Claims decisions
 - VA rules and regulations
 - VAOGC decisions or rulings
 - Federal Circuit Court decisions/cases

It's Your Office

- *You* need to know the laws
- *You* need to keep your references current



It's Your Job

- **Get what you need to take care of your veterans**
- **They depend on you**
- **No one else will do it**

